

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 14-50304

DENNIS R HIBBITTS, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING CREDITOR RESIDENTIAL FUND 1, LLC'S
SECOND MOTION FOR ORDER TO SHOW CAUSE**

On April 24, 2015, creditor Residential Fund 1, LLC ("Residential") filed a motion seeking an order to show cause (Docket # 100, the "Motion"). On May 12, 2015, Residential filed a certificate of no response regarding the Motion.

Residential filed a similar motion, on an ex parte basis, on April 2, 2015, seeking an order to show cause (Docket # 97). The Court denied that motion without prejudice, in an Order filed on April 2, 2015 (Docket # 98), for the reason stated in that Order.

The Court will deny the present Motion, for the following reasons.

First, and as the Court stated in its April 2, 2015 Order, there is no procedure under the Federal Rules of Bankruptcy Procedure or local bankruptcy rules for a party to move for an order to show cause. If a creditor like Residential wishes to seek relief for the Debtor's failure to comply with an order of the Court, the creditor normally may file a motion for an order holding the Debtor in contempt and for contempt-related relief. Any such motion must comply with E.D. Mich. LBR 9014-1.

Second, the Court would not consider a contempt motion at this stage of this bankruptcy case, even if Residential were to file one. This Chapter 7 bankruptcy case is now ready to be closed. The Debtor obtained a discharge on March 24, 2015 (Docket # 92). And after the Court

denied Residential's first show-cause motion (on April 2, 2015), the Chapter 7 Trustee filed a no-distribution (a.k.a. no-asset) report, on April 8, 2015. Because of this, there remains no legitimate, bankruptcy-related reason for the Court to consider any contempt motion that Residential may want to file, or to keep this Chapter 7 case open any longer. The bankruptcy case is completed, and ready to close.

For these reasons,

IT IS ORDERED that the Motion (Docket # 100) is denied.

Signed on May 12, 2015

/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge